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08/446904

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/446904 06/01/95 APP40310

FORM 1/1220

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EXAMINER

ROBERT

ART UNIT	PAPER NUMBER
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3397

DATE MAILED:

12/20/95

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to ^{application} communication filed on 6/1/95 + PRE-AMD. ☐ This action is made final.

A shortened statutory period for response to this action is set to expire month(s) 30 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☐ Notice of References Cited by Examiner, PTO-892.
- ☒ Notice of Draftsman's Patent Drawing Review, PTO-948.
- ☐ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐

Part II SUMMARY OF ACTION

1. ☒ Claims 1-27 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☐ Claims _____ are rejected.

5. ☐ Claims _____ are objected to.

6. ☒ Claims 1-27 are subject to restriction or election requirement.

7. ☐ This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

5 This application contains claims directed to the following patentably distinct species of
the claimed invention: an inhaler having a dose plate as shown in Figures 22-24;.an inhaler
having a dose plate as shown in Figure 38; and an inhaler having a dose plate as shown in Figure
39. Further, the following patentably distinct species of pawl drives are present as represented
by the following Figures: Figures 75-79; Figures 80-82; Figures 93-97; Figures 98-101; Figures
10 102-104; and Figure 105. Further, the following patentably distinct species of mouthpiece
nozzles are present as represented by the following Figures: Figures 51-55; and Figures 56-58.
Further, the following patentably distinct species of bases are present as represented by the
following Figures: Figure 7; and Figures 83-87. Lastly, the following patentably distinct species
of lower spring retainers are present as represented by the following Figures: Figures 30-34; and
15 Figures 88-92

Applicant is required under 35 U.S.C. § 121 to elect a single disclosed species of each
of the above elements of the total combination for prosecution on the merits to which the claims
shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1, 2,
and 25-27 appear to be generic.

20 Applicant is advised that a response to this requirement must include an identification of
the species that is elected consonant with this requirement, and a listing of all claims readable
thereon, including any claims subsequently added. An argument that a claim is allowable or that
all claims are generic is considered nonresponsive unless accompanied by an election.

25 Upon the allowance of a generic claim, applicant will be entitled to consideration of
claims to additional species which are written in dependent form or otherwise include all the
limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141. If claims are added
after the election, applicant must indicate which are readable upon the elected species. M.P.E.P.
§ 809.02(a).


5 Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. § 103 of the other invention.

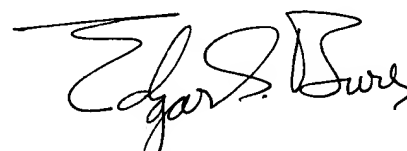
Due to the involved and complex nature of this election requirement, and the interrelated nature of the claimed species no attempt at an oral election was made to give Applicant the opportunity necessary for a fully measured response..

10 Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

15 Any inquiry concerning this communication from the Examiner should be directed to Eric Raciti whose telephone number is (703) 308-0400. The Examiner may normally be reached between 9:00 AM and 5:30 PM EDT. The Fax number for Art Unit 3307 is (703) 308-2864.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0858.

20

E. P. Raciti
Examiner, AU 3307


EDGAR S. BURR
S.P.E.
GROUP ART UNIT 337